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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/810,365	03/16/2001	Yeong-Taeg Kim	SAM1.0084	9213
23386	7590	04/05/2006	EXAMINER	
MYERS DAWES ANDRAS & SHERMAN, LLP 19900 MACARTHUR BLVD., SUITE 1150 IRVINE, CA 92612			MANNING, JOHN	
			ART UNIT	PAPER NUMBER
			2623	

DATE MAILED: 04/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center"><b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b></p>	<b>Application No.</b> 09/810,365	<b>Applicant(s)</b> KIM, YEONG-TAEG	
	<b>Examiner</b> John Manning	<b>Art Unit</b> 2623	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 26 January 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
 (b) ☐ They raise the issue of new matter (see NOTE below);  
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
 5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
 6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
 7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
 The status of the claim(s) is (or will be) as follows:  
 Claim(s) allowed: \_\_\_\_\_.  
 Claim(s) objected to: \_\_\_\_\_.  
 Claim(s) rejected: \_\_\_\_\_.  
 Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See attached paper.  
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_.  
 13. ☐ Other: \_\_\_\_\_.

***Advisory Action***

Applicant has requested the withal of the finality of the previous rejection dated November 29, 2005. It is stated that Applicant has not had a chance to respond to the Examiners rejection. Applicant has had a chance to respond to the rejection and did so in amendment dated February 7, 2005. Applicant's arguments filed January 26, 2006 and February 7, 2005 have been fully considered but they are not persuasive. Consequently, the finality of the previous rejection is maintained.

The primary argument presented against the Lawler reference is that the Broadcasting Schedule Information and the Preview Program are not **simultaneously** delivered to the user. In fact, the Applicant points to Lawler, col. 10, lines 27-33 and lines 49-52 which specifically describe that the program summary panel 108 (including the preview 110) are not delivered to the station controller 18 along with the information in the program time information in the grid 80. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., Broadcasting Schedule Information and the Preview Program **simultaneously** delivered to the user) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Examiner points out that the Broadcasting Schedule Information consists of the program time information in the grid 80 and the program description 114, which is displayed in the program summary panel 108 simultaneously (not claimed) with the preview window 110. Therefore, the Lawler reference reads on

the claim language in the regard that the program description 114 and the preview video clip being displayed in the preview window 110 are delivered and displayed simultaneously even if the argued language was claimed. The program description information 114 may be obtained from the electronic program guide data servers 34 and video clips may be obtained from the continuous media servers [col. 10, lines 42-56].

Applicant further argues that Lawler fails to show downloading the Broadcasting Schedule Information while the Preview Program is being decoded and displayed. Lawler discloses that during the operation of the system, if the required Broadcasting Schedule Information is not in memory, downloading the Broadcasting Schedule Information from the headend (Col 15, Lines 4-32). Furthermore, in relation to the arguments regarding claim 3-4, the Applicant claims that the Lawler reference does not disclose the claimed TS demultiplexer for demultiplexing and outputting a signal representative of the Preview Program. Applicant is directed to Col 6, Lines 29-40, Col 6, Lines 58-65 and Col 10, Lines 42-56 of Lawler. Furthermore, in relation to the arguments regarding claim 5, the Applicant claims that the Lawler reference does not disclose the claimed System and Schedule Manager. In contrast to the Applicants arguments, the Lawler reference clearly states "central processing unit (CPU) 58 in conjunction with a memory system 60 controls operation of the station controller 18. For example, the **CPU 58 controls selection of analog-based programming, digital-based programming** or applications delivered from the head end 12, accesses or activates selected applications or delivers information to or requests information from the head end 12" [col. 7, lines 45-51]. The Examiner contends that this CPU clearly

meets the claimed system and schedule manager functionality for controlling the means for decoding and directing a data stream flow of data from the digital television signal. The decoding is met by the selection of analog or digital -based programming and the data stream flow of data from the digital television signal is **clearly** met by the request of information from the head end, which, as will be seen throughout the Lawler patent, can be forwarded to a reminder system or a recording system (flows from input to any one of multiple possible options).

In relation to the arguments regarding claim 7, the Applicant claims that the Lawler reference does not disclose a decoder or an audio decoder. As was discussed above, the digital decoder 54 decodes the digital video signals received over communications line 48. Subsystem 63 then works under control of the CPU to present a viewable video signal to display 20. The video signal is decoded and displayed using the decoder and the subsystem. The fact that decoder and video subsystem work with MPEG-2 signals [col. 5, line 32] speaks to the fact that they work with video and audio bit streams. While Lawler does not explicitly mention audio, it is extremely well known and commonly accepted that MPEG signals and any sort of video signal for display at a user device, for that matter, include audio signals as well. Video processors that process audio information are commonplace in the art. After all, video information would be close to useless without accompanying audio information. In other words, video and audio go hand-in-hand, hence the term "A/V system" being so accepted in the art. MPEG-2 signals almost always contain audio information and systems process the audio information in much the same way as they process video information. Therefore,

while video information is displayed to the user, accompanying audio information is output to the user, creating a full viewing/listening experience.

In relation to the arguments regarding claim 8, the Examiner contends that the Lawler reference clearly teaches means for generating an icon to overlay the video output during display. The fact that Lawler points out various overlays and bitmap images being overlaid on digital video signals by the graphics subsystem 62 makes it very clear that the functionality exists [col. 7, lines 52-65].

In relation to the arguments regarding claim 10, the Examiner contends that the Lawler reference provides a clear interpretation of managing future programs. It is clearly inherent in the application that some sort of queue is used to record programs when the show becomes available in the future. Two commonly accepted definitions of the term queue are "a temporary holding place for data" or "a storage space in memory or on disk that holds incoming transmissions until the computer can process them." The Lawler reference makes it very clear that upon reaching a certain time, a program is recorded, therefore inherently teaching a queue which sorts the record requests by time in a FIFO management scheme, wherein when a program is actually received, the record request is pushed out of the queue and the recording commences. The arguments relating to Lawler not having a queue are, in view of the above comments, not persuasive.

In relation to the arguments regarding claim 11, the Examiner, again, contends that the Lawler reference provides a clear disclosure of reminding the user when a start time is soon approaching about an up-coming program. In column 14, lines 42-43,

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Lawler **clearly** states that the reminder is used to remind users shortly before the selected program is available. Since the user has already selected that the program reminder should occur, it meets the fact that the user is notified prior to the start time of the program and the program is displayed after the reminder.

In relation to the arguments regarding claim 12, the same applies as was discussed above with regards to claim 11, and the previous rejection still stands. The fact that a pre-determined time must elapse before the recording takes place is clearly taught by the fact that Lawler states, "record the show when it becomes available", in other words, record the show after an amount of time has elapsed.

In relation to the arguments regarding claim 13, see the above remarks regarding claim 1 (the primary argument).

In relation to the arguments regarding claim 14, the Examiner contends that the summary panel 108 request is delivered via an MPEG-2 packet (which is an option according to column 5, line 32), the summary panel 108 including both the preview video clips and the program description information 114.

In relation to the arguments regarding claim 15, the icons are clearly visible at the same time that the preview window is clearly visible. Figure 8 displays a preview window 110 as well as a remind or record option 140 or 130, respectively. The icons for remind and record are displayed simultaneously with the summary panel 108.

In relation to the arguments regarding claim 16, see the above remarks regarding claim 1 (the primary argument).

In relation to the arguments regarding claim 17, see the above remarks regarding claim 14.

In relation to the arguments regarding claim 18, see the above remarks regarding claim 15.


In relation to the arguments regarding claim 19, see the above remarks regarding claim 1 (the primary argument).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Manning whose telephone number is 571-272-7352. The examiner can normally be reached on M-F: 9:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JM  
March 31, 2006



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